



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/659,486

09/10/2003

Patrick Stevens

PD-202135

3464

29158 7590 11/14/2008
BELL, BOYD & LLOYD LLP
P.O. BOX 1135
CHICAGO, IL 60690

EXAMINER

SALL, EL HADJI MALICK

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/659,486	Applicant(s) STEVENS ET AL.	
	Examiner EL HADJI M. SALL	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Pre-appeal Brief request for review filed on January 7, 2008. Claims 1-36 represent method and system for providing enhancement performance of web browsing.

2. ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 and 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses "a computer-readable medium bearing instructions". According to the specification, Applicant discloses the term "computer-readable medium" as used herein refers to any medium that participates in providing instructions to the processor 703 for execution. Such a medium may take many forms, including but not limited to non-volatile media, volatile media, and transmission media... Transmission media can also take the form of acoustic, optical, or **electromagnetic waves, such as those generated during radio frequency (RF) and infrared (IR) data communications**" on paragraph [0150]. For the claimed invention to

Art Unit: 2457

be statutory, "transmission media" cannot be "**electromagnetic waves**". Appropriate correction is required.

3. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-16, 18, 20-24, and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta U.S. 7,000,189 in view of Sharma U.S. 20030125953.

Dutta teaches the invention substantially as claimed including dynamic data generation suitable for talking browser (see abstract).

As to claims 1, 10, 19, 26, 32 and 36, Dutta teaches a method, a network apparatus, a method, a system and a network device for retrieving content over a communication network from a web server, the method comprising:

receiving a request from a browser application for the content in the web server

(column 6, lines 1-4; column 9, line 21);

modifying the request to include information specifying support as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server (column 5, line 65 to column 6, line 1);

forwarding the modified request towards the web server, wherein the upstream proxy, if present, intercepts the modified (column 9, line 22); and

selectively receiving the content from the upstream proxy over the communication network and forwarding the content to the browser application (column 9, lines 22-25).

Dutta fails to teach explicitly a parse and pre-fetch service, and pre-fetches the content from the web server.

However, Sharma teaches information retrieval system including voice browser and data conversion server. Sharma teaches a parse and pre-fetch service (paragraph [0031], Sharma discloses retrieving a content and parsing it by a parser; figure 3, items 340 and 324), and pre-fetches the content from the web server (paragraph [0049], Sharma discloses prefetching content from pages).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dutta in view of Sharma to provide a parse and pre-fetch service, and pre-fetches the content from the web server for the purpose of minimizing the delay exhibited by the system (paragraph [0049]).

As to claims 2, 11, 20, 27 and 33, Dutta teaches a method, a network apparatus and a system according to claims 1, 10, 19, 26 and 32, wherein the upstream proxy in the modifying step retrieves an initial content from the web server, and parses the retrieved initial content, the pre-fetched content being based on the parsed initial content (column 8, lines 20-25).

As to claims 3, 12, 21 and 28, Dutta teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26 wherein the request in the modifying step conforms with a Hypertext Transfer Protocol (HTTP), the method further comprising: inserting the treatment information in an optional field of the HTTP (column 5, lines 44-48).

As to claims 4, 13, 22 and 29, Dutta teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26, wherein the step of modifying the request is transparent to the browser application (column 4, line 66 to column 5, line 4).

As to claim 5, Dutta teaches a method according to claim 1, further comprising: receiving another request from another browser application (column 6, lines 1-4; column 9, line 21); and

forwarding another modified request based on the other request to another upstream proxy, wherein said receiving and forwarding steps are concurrently executed with the steps of receiving the request and modifying the request (column 9, lines 22-

Art Unit: 2457

25).

As to claims 6, 15 and 35, Dutta teaches a method, a network apparatus and a system according to claims 1, 10 and 32, further comprising:

communicating with a switching module to receive the request, wherein the switching module including Open Systems Interconnection (OSI) Layer 4 functionality to redirect the request from a network interface (column 5, lines 31-35).

As to claims 7, 16, 23 and 30, Dutta teaches a method and a network apparatus according to claims 1, 10, 19 and 26, wherein the content conforms with a markup language that includes Hypertext Markup Language (HTML) (column 4, lines 43-47).

As to claim 14, Dutta teaches a network apparatus according to claim 10, wherein the proxy concurrently communicates with a plurality of upstream proxies including the remote upstream proxy (column 2, lines 57-63).

As to claim 18, Dutta teaches a network apparatus according to claim 10, further comprising:

a local upstream proxy configured to support pre-fetching of content from another web server local to the network apparatus (column 3, lines 17-22).

As to claim 34, Dutta teaches a system according to claim 32, further comprising: a plurality of upstream proxies in simultaneous communication with the downstream

Art Unit: 2457

proxy of the first server for supporting parsing and pre-fetching of content from a respective plurality of web servers (column 2, lines 57-63).

Claims 9 and 25 do not teach or define any new limitations above claims 1-7, 10-16, 18, 20-24, and 27-36 and therefore are rejected for similar reasons.

5. Claims 8, 17, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta U.S. 7,000,189 in view Sharma U.S. 20030125953, further in view of Chatterjee et al. U.S. 6,947,440.

Dutta teaches the invention substantially as claimed including dynamic data generation suitable for talking browser (see abstract).

As to claims 8, 17, 24 and 31, Dutta teaches a method according to claims 1, 10, 19 and 26.

Dutta fails to teach explicitly the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server.

However, Chatterjee teaches system and method for Internet page acceleration including multicast transmission. Chatterjee teaches the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server

Art Unit: 2457

(column 14, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dutta in view of Chatterjee to provide the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in an VSAT in communication with the web server, One would be motivated to do so to allow handling the wireless link 181 with a T1 data rate.

6. *Response to Arguments*

Applicant's arguments with respect to claim 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Applicants stress that, to the extent the Examiner reads the claimed "medium" as being an electromagnetic wave, neither claim 9 nor claim 25 is directed to an "electromagnetic wave," per se.

In regards to the point above, Examiner respectfully disagrees.

In paragraph [147], Applicants discloses that transmission media can also take the form of "electromagnetic waves". Applicant is advised to make appropriate corrections in the specification to put claims 9 and 25 in a statutory form. Hence the rejection under 35 U.S.C. 101 is hereby sustained.

7. Conclusion

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2457

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457

/Yves Dalencourt/

Primary Examiner, Art Unit 2457